

Natural Resources Review

ISSUE 10
Winter 2012

KENTUCKY DEPARTMENT FOR NATURAL RESOURCES

OUR MISSION: To improve the quality of life for all Kentuckians by protecting our land, air, and water resources; utilizing our natural resources in an environmentally conscientious manner; and creating efficient environmentally responsible ways of managing, conserving and sustaining our resources for future generations.



Photo by J. Hamon
Laurel Lake
Laurel County



Commissioner's Corner

By Steve Hohmann, Commissioner
Department for Natural Resources

Dear Friends of DNR and Colleagues,

Greetings and Happy New Year! I write this message in the newsletter's first edition of 2012 on my first day as commissioner of the Department for Natural Resources. I am truly grateful and excited to be appointed commissioner, and I am anxious to begin working with you and the citizens of the Commonwealth to conserve and sustain Kentucky's abundant natural resources.

I have been with the department for almost 27 years, beginning my career in state government as a reclamation inspector in Middlesboro in 1985. Throughout my career I have been fortunate to work with very dedicated, knowledgeable professionals in the department, industry, and the public who have impressed upon me the reality that hard work and team work are the keys to success. Alone they are formidable; combined they are unstoppable. The department's successes of the past are testimony to the tenacity and drive of the employees and stakeholders who believe in the underlying mission and purpose of the department. Although budgetary issues cloud the future, the department will continue to strive for excellence in all its programs and objectivity and equanimity in all its decisions.

In this issue of Natural Resource Review you will find articles spanning the breadth of the department's duties. They will highlight the accomplishments, motivation, and mission of the department and its employees. I hope you enjoy this issue, and I look forward to serving with all of you in the department's future.

Kentucky Heritage Land Conservation Fund has Passed Another Milestone

KHLCF protects and preserves more than 40,000 acres in latest purchase

Two huge purchases have been made during the last quarter totaling 3,481.62 acres that include the Big Rivers Corridor Phase I project in Union County (2,483.55 acres) the Burnett project in McCreary County (998.07 acres). Both projects closed in late December. The \$1.77 million purchase of the land, known as the Burnett property, was made possible through an award from the Heritage Land Conservation Fund, which is funded from the sale of nature license plates and the collection of unmined mineral taxes and environmental fines. These funds may be used to purchase natural areas with rare habitats and endangered species; areas important to migratory birds; areas that perform important natural functions that are subject to alteration or loss; and areas to be preserved in their natural state for public use, outdoor recreation and education. The Burnett property also includes nearly 2.5 miles of frontage on the Little South Fork Wild Rivers corridor, which is known to contain a diverse assemblage of mussels and fish. One of these fish is the palezone shiner (*Notropis albizonatus*), which is listed as a federally endangered species. This is known to be the best stream worldwide for the population of palezone shiner. The presence of the species in this stretch of river is indicative of the health of the water and the importance of protecting the watershed surrounding it.

\$47 Million in Federal Funding to Restore Abandoned Mine Lands in Kentucky

Money will also fund water supply replacement projects as part of goal

By Corey Ann Howard

The Kentucky Department for Natural Resources has received \$46.9 million in funding from the federal government for mitigating the impacts posed by abandoned mine lands in Kentucky.

The funding comes from the Office of Surface Mining Reclamation and Enforcement within the U.S. Department of the Interior and will help construct abandoned mine land reclamation and water supply replacement projects, as well as fund the state's administrative expenses.

The project's funding comes from coal receipts and is distributed through a congressionally mandated formula under the Surface Mining Control and Reclamation Act. The Division of Abandoned Mine Lands within the department will oversee the funding.

"Protecting Kentuckians from the health and safety hazards of abandoned mines has been a priority of my administration, and this funding will assure citizens of the Commonwealth that there will be continued reclamation of the hazards caused by past mining," Gov. Steve Beshear said. "These projects will also help create construction jobs, ultimately putting Kentuckians back to work and strengthening our economy."

States and Native American tribes saw a \$90 million increase in funding over last year, with Kentucky receiving an additional \$9.2 million this year – a 25 percent increase. This year's overall national funding will generate more than \$1 billion in economic activity and support thousands of jobs across the country.

The division is authorized under Kentucky law (KRS 350) to abate hazards to public health, safety, and the environment caused by mining that occurred prior to 1982. The abandoned mine lands program is a 100 percent federally funded, state-implemented program.

In addition to expending funds to reclaim safety hazards posed by past mining, the division has also expended more than \$94.3 million for waterline improvements and has provided more than 13,400 households with potable water supply in 24 coalfield counties in eastern, southern and western Kentucky.

EQC Requests Nominations for 2012 Earth Day Awards **Awards recognize environmental stewardship**

The Kentucky Environmental Quality Commission (EQC) is requesting nominations from the public for its 2012 Earth Day awards. The annual awards are presented to individuals and entities that have demonstrated an outstanding commitment to Kentucky's environment.

The nomination form can be found on the EQC's website at <http://eqc.ky.gov/Pages/EarthDay.aspx> or by calling Janet Pinkston at 502-564-2674 or e-mailing janet.pinkston@ky.gov. Nominations must be delivered by close of business Jan. 31, 2012. Nomination forms can be sent to Pinkston electronically or by mail to Environmental Quality Commission, 500 Mero St., 12th Floor Capital Plaza Tower, Frankfort, KY 40601. The Earth Day awards ceremony will be held in April at Berry Hill Mansion in Frankfort.

Division of Mine Permits Honors Employees in Presenting First Hall of Fame Plaque

Clyde "Buddy" Cook selected as posthumous recipient of award

By Linda Fisher

The Division of Mine Permits employs approximately 100 well-educated, hard working people and through the years has had many outstanding employees. In order to show appreciation, the division has instituted the Division of Mine Permits Hall of Fame. A plaque to commemorate each recipient will be made and placed prominently for all to see. One recipient will be chosen every January.

The first employee honored in the Hall of Fame is Clyde "Buddy" Cook. In memoriam a second plaque includes Clyde receiving an award given to him back in the mid 1990's by Secretary James Bickford. The Outstanding Employee award was cherished by Clyde and kept in his office. Clyde passed away in May 2009 while still employed at the Division of Mine Permits.

Clyde was a native of Pike County and played football for Pikeville High School. He was the only boy in a family of five children. Clyde worked in the Division of Mine Permits for his entire state government career. During his 20 year tenure, Clyde worked his way up the ranks to environmental control manager and was known and admired by co-workers and the regulated industry. Clyde was known to be very knowledgeable and a hard worker with great leadership skills.

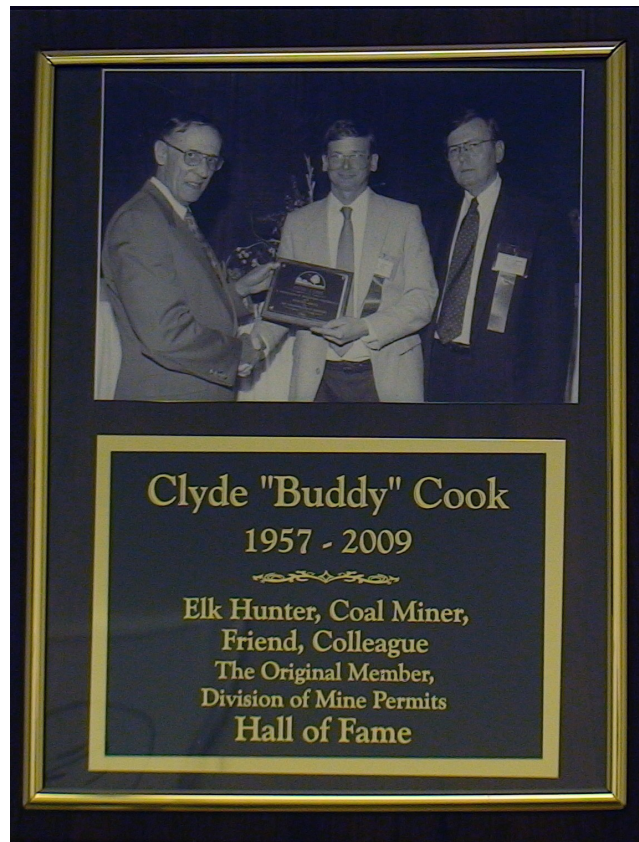
Clyde seemed happiest when teaching and training new reviewers about mining. In fact, he was instrumental in teaching the majority of the current staff during his tenure with the division.

His favorite was one-on-one instruction, but amazingly he drew a crowd whenever he started explaining things. Clyde's knowledge and experience made him a natural for special studies and high profile projects. He was involved with several special studies funded by the federal Office of Surface Mining, including a hollowfill study and an approximate original contour study.

His expertise proved crucial to the department in the evaluation and development of a cleanup plan during the Martin County slurry spill in 2000, an environmental disaster of national proportions.

Clyde loved hunting, fishing, nature, sports, and being with friends. He was a long-time member of the Rocky Mountain Elk Federation, which was instrumental in returning elk to Kentucky. One of his proudest moments occurred when he was chosen for a Kentucky elk permit and took an elk on that hunting trip. He was a staunch supporter of the elk viewing trips offered each year. Clyde was able to merge his professional and personal interests to make Kentucky a better place.

The division is honored to have the opportunity to recognize Clyde as the first Hall of Fame recipient.



This memorial plaque was made in honor of Clyde "Buddy" Cook who had numerous accomplishments and was a mentor to many employees at the Division of Mine Permits.

DMRE and Representatives from the Blasting Industry Join Forces

By Raymond Hudson

A meeting between the Division of Mine Reclamation and Enforcement and representatives from the blasting industry was held on Oct. 27, 2011. The meeting was attended by 23 people from industry who were invited to sit down and voice concerns about blasting in Kentucky. DMRE representatives included Commissioner Carl Campbell, Deputy Commissioner Larry Arnett, Mine Reclamation and Enforcement Director Billy Ratliff and Explosives and Blasting Branch Manager Raymond Hudson.

Commissioner Campbell explained how the DMRE Explosives and Blasting Branch operated, setting the stage for participants to communicate openly. University of Kentucky Professor Braden Lusk was chosen as industry spokesman and presented a list of concerns. These items were addressed by the Explosives and Blasting Branch or DMRE representatives. All in attendance agreed that the goal of zero flyrock incidents was a laudable and attainable goal. The number of incidents were substantially reduced during the past year, but more action was needed. It was agreed that flyrock data would be shared with UK who would compile and analyze to identify the root causes which would then be addressed.

Professor Lusk recommended the formation of a small group to represent the different sectors of industry. The list of representatives is as follows:

- Forrest Shelton- Hinkle Construction- representing construction, highway, and aggregate/quarry mining
- Richard Hamilton- Nally & Gibson- representing the Stone Association
- Steven Carter- Orica- representing several sectors and providing expertise in flyrock reduction
- Owen Yocum- Judy Construction- representing general construction, highway and DOT
- Dave Blankenship- Teco- representing surface coal mining
- Marty Vincent- Memsco- representing surface coal mining and other sectors in western/central Kentucky
- Jeff Taylor- representing the seismic services industry
- Raymond Hudson- representing the Department for Natural Resources.



Representatives of the Department for Natural Resources start the meeting by presenting facts and opening discussion to prevent flyrock events. Photos by Linda Potter.



Industry representatives provided necessary input to ensure that everyone understood the challenges in their field and provided varied ideas in preventing flyrock.

Division of Conservation Assists with Caldwell County Project

Third graders learn about Food for America

By Connie Gray and Johnna McHugh

Caldwell County's third graders recently learned how farmers impact the lives of their community in today's modern world. The national Future Farmers of America (FFA) project *Food for America*, an educational program focusing on agricultural literacy in elementary schools, encourages FFA students and teachers to share agricultural experiences with children in their community.

The local version of the *Food for America* campaign was established in 1979 and has resulted in third-graders participating in annual trips to farms for over 30 years. In Caldwell County, students spend two days learning about how food gets from the farm to their kitchen. Last September, FFA and community members came together to help students learn the importance of farms. On day one, half of the children began the day at Hancock's Neighborhood Market, where they explored the various departments.

The students then traveled to Linda and Elbert Bennett's beef cattle farm in Fredonia where they rotated between stations to learn about agriculture. A number of others from various agencies within the county assisted with the educational event. Elbert Bennett spoke with the students about his cattle operations and the everyday workings of a farm. Danny Sherrill talked about safety around animals, cattle care in the winter, and livestock vaccinations. Buddy York showed the children antique farm equipment. Joni Phelps explained how much work there is in making some of our food, such as butter. Odell Walker demonstrated how to produce corn meal with an over 100-year-old grist mill and gave the children an opportunity to shell corn with a hand-operated sheller. Renee Laurent showed the children her pigs and talked about animal safety and ear notching. Bill and Chris Kass brought alpacas and products made from alpaca hair for the children to see. Donnie Boone showed the children a cemetery on the farm that dated back to the 1800s and talked about the history of the farm.

The field trip then moved to Akridge Farm Supply in Fredonia, where the students toured the chemical room and learned how farmers use the products in food production.

In the classroom, the other half of the students spent time with FFA members. Chase Howton talked about tractor safety and the dangers of the hydraulics on tractors. Olivia Bloodworth and Shelbie Rogers used to a video to show the children how soybeans are used in our everyday lives. On the second day, the kids switched groups so that the classroom children went on the field trip and vice versa. In addition to Caldwell County Conservation District personnel helping with the field rotations, the district also supports this important program financially.



High school agriculture teachers Christy Lancaster and Wes York presented food facts as the students made their way through the aisles of vegetables, fruit, meat, dairy products and bread.

Melva Pearce, Administrative Specialist III Abandoned Mine Lands

For the past 23 years, Melva Pearce of the Division of Abandoned Mine Lands (AML) London Field Office has provided administrative support for three state government agencies, all within the current Energy and Environment Cabinet.

Pearce began her career in state government working three years for the Division of Field Services, Office of Special Investigations. She then spent seven years with the Department for Surface Mining and has been with AML for the past 12 years. She is currently the most senior administrative support staff

in AML's three field offices. "Melva is one of the most dedicated employees we've ever employed," said Steve Hohmann, former director of AML. "Melva is a delightful person and has been a tireless employee from the beginning."

Over the years, Pearce has observed AML's technology improve significantly, resulting in increased electronic usage that has streamlined the agency's administrative services. She has also seen AML gradually increase its workforce.

One of Pearce's lighthearted AML stories is about a co-worker sitting at a stoplight while driving an AML state vehicle. A local citizen in the adjacent vehicle asked, "How can I get my hands on some of these abandoned lands?" mistakenly assuming the

AML inspector worked for the State Treasurer's Unclaimed Property Division. More importantly, the friendships she shares with her past and present co-workers is the part that Pearce enjoys most about her job.

Pearce has been an active member of the Lily Fire Department in southern Laurel County for several years, currently

serving as a member of the Board of Directors and Public Relations Officer. Her hobbies include photography and group motorcycle rides with family and friends.



CHIA Quarterly Update

Cumulative Hydrologic Impact Assessment program continues to make progress identifying stream impact
By Richard Wahrer

The Department for Natural Resources (DNR) has modified their Cumulative Hydrologic Impact Assessment (CHIA) for each proposed mining operation from a river basin watershed analysis (e.g., Middle Fork River, Big Sandy, Licking) to a sub-watershed (HUC-12) analysis. The size of these HUC-12 watershed varies from five to 30 square miles or about four to five watersheds per county. By decreasing the size of the cumulative impact area (the backdrop of a specific mining permit), the impact of a proposed mine will be more easily ascertained. Also, the material damage definition has been modified to include a chronic water quality problem (e.g., acid mine drainage) and the impact on a designated use of the streams affected (exceptional water quality, recreational, aquatic species habitat).

A more thorough characterization of the HUC-12 watershed in question has been implemented with background information on the geology/hydrology/ land uses presently included in each CHIA. Templates for each of 354 coal-related watershed have been created and are updated quarterly.

A major accomplishment is the creation and tracking (updated every 90 days) of the mining history in 354 HUC-12 watersheds in the eastern and western coalfields. The mining history identifies past mining such as permits with reclamation bond released, active operations, and pending (proposed operations supplemented with permit acreages and seams mined).

Over the past two years, federally funded interns have been entering hardcopy data from discharge monitoring reports, surface and groundwater monitoring and pre-mining baseline data into the Surface Mining Information System (SMIS) data base. These data are then entered and sorted into the 354 watersheds nightly to provide background information for each specific permit CHIA written. The federal Office of Surface Mining (OSM) has awarded DNR \$235,000 to fund this effort.

A highly significant accomplishment is the establishment of trend stations located at the mouth of the HUC-12 watersheds. At each station site, field testing parameters such as pH, temperature, conductivity and stream flow rate are recorded and water samples taken for lab analysis of 29 analytes, including metals. The Kentucky Division of Environmental Services within the Department for Environmental Protection conducts the analysis. This is the only state certified laboratory that utilizes all EPA-required methods and instrumentation.

Other accomplishments include:

- 64 trend stations in the east and west have been identified and sampled for two quarters.
- An additional 73 stations have been selected and are presently being ground-truthed verified with the sampling start-up in June 2012.
- DNR has received \$351,000 from OSM and \$50,000 from EPA for trend stations.
- Continued funding is being sought.

Read additional **new** Natural Resources articles by visiting Land, Air & Water Winter edition online. Click [HERE](#) to read these stories !!

OMSL's Executive Director Johnny Greene Announces his Retirement

By Evan Satterwhite

After 40 years in the coal business, Executive Director Johnny Greene has retired, having served the last 21 years with the Office of Mine Safety and Licensing(OMSL). He served as an underground mine safety analyst, mine inspector, assistant district supervisor, district supervisor, deputy chief accident investigator, mine rescue coordinator, and executive director. Greene led OMSL with his mission always in mind- to bring every miner home safely at the end of each day.



The Commonwealth benefitted greatly in having a man so experienced and passionate about the important mission of protecting over 18,000 men and women who work daily in the coal industry. As agency head, Greene supervised five district offices, the Frankfort central office, the Division of Safety and Licensing, the Division of Safety Analysis, and Training and Certification. He was also responsible for 12 mine rescue teams and six mine rescue stations located throughout the Commonwealth. For 40 years, he worked as a mine rescue team member and team trainer, and Kentucky coal miners could not have had a stronger or more capable safety advocate and rescuer. He worked the mine disasters in the Scotia explosion in Letcher County, the AA & W explosion in Pike County, as well as the Darby explosion in Harlan County. Additionally, Greene was a rescue team member during the Bethlehem mine fire in Pennsylvania, the Dotiki mine fire in Madisonville and the Excel mine fire in Pikeville. While conducting an underground mine inspection in November 1998, Green assisted a mine owner who suffered an aneurism and collapsed. He initiated rescue breathing and transported him outside the mine. Seeing that the ambulance had not yet arrived yet, Greene and a fellow miner took the man to the hospital as Greene continued rescue breathing, possibly saving the man's life. Because of his life-saving actions Greene received the Certificate of Heroism from the Pike/Floyd Holms Safety Council. Greene's last day on the job was Dec. 30, 2011.

Franklin Reed has been named as acting executive director for the Office of Mine Safety and Licensing (OMSL) effective Jan. 1, 2012. Reed currently serves as the director, Division of Safety Analysis, Training and Certification for OMSL and brings a wealth of experience to the job.

Recent Trends of Licensed Coal Mines in Kentucky

| Oct. 31, 2010 | | | Oct. 31, 2011 | | |
|---------------|-------------|-------|---------------|-------------|-------|
| Surface | Underground | Total | Surface | Underground | Total |
| 230 | 180 | 410 | 260 | 187 | 447 |
| Nov. 30, 2010 | | | Nov. 23, 2011 | | |
| Surface | Underground | Total | Surface | Underground | Total |
| 236 | 182 | 418 | 267 | 187 | 454 |
| Dec. 31, 2010 | | | Dec. 21, 2011 | | |
| Surface | Underground | Total | Surface | Underground | Total |
| 245 | 187 | 432 | 271 | 187 | 458 |

Kentucky's Division of Forestry Centennial in 2012

By Lynn True

This year officially marks the 100th anniversary of the Kentucky Division of Forestry (KDF). Originally known as the Board of Forestry as established in 1912 by the Kentucky General Assembly, KDF is the oldest state forestry agency in the South.

"We intend to honor our past throughout the year with educational events, historical presentations and informational displays at fairs and festivals across the state," said Leah MacSwords, director of KDF and 13th state forester. "We also want to use this occasion to look to our future."

The division's accomplishments over the years (as seen in the timeline below) are due in large part to its dedicated employees. From assisting landowners to suppressing wildfires, KDF employees have been the backbone of forest conservation in Kentucky. As the agency navigates the next 100 years, foresters and rangers will need to prioritize projects and focus on critical areas in the state. Given that Kentucky has over 12 million acres of forestland, this will be a difficult task for an agency with limited resources. With that in mind, KDF challenges others to lend a hand in protecting and conserving the state's forest resources. After all, it's our legacy to the future.

Timeline of Forestry in Kentucky:

1912 Creation of the Board of Forestry

By the early 1900's, Kentucky's forests had been over-harvested, cleared for agriculture and charred by wildfires. In response to the depleting resource, the Kentucky General Assembly passed a law to create a Board of Forestry.

1913 First Fire Protection Association

Under the guidance of the Board of Forestry, the first Fire Protection Association was organized in Harlan County.

1914 First Tree Nurseries

Two state-owned tree nurseries were established to raise tree seedlings and create state forest reserves. The first and largest nursery was located at the fairgrounds in Louisville and a smaller nursery was created in Frankfort.

1919 First State Forest

The Board of Forestry acquired its first state-owned forest. In Harlan County on the south side of Pine Mountain, the property was deeded to the Commonwealth by the Kentenia-Cartron Corporation and subsequently named Kentenia State Forest.

1933 Civilian Conservation Corp Comes to Kentucky

The Great Depression of the 1930s, as devastating as it was to the nation, had a positive impact on forestry. One of President Franklin D. Roosevelt's New Deal programs was the Civilian Conservation Corps (CCC). From 1933 to 1942, CCC camps worked to reclaim forests by erecting fire towers, fighting forest fires and planting trees.

1935 Putney Ranger Station Built in Harlan County

The CCC built the first ranger station in Kentucky known as the Putney Ranger Station. Located in Harlan County, the structure was a 12-room cabin that housed the original offices of the Division of Forestry. In the early years, forest rangers and their families lived in the cabin.

1936 Reorganization Act of 1936

The Reorganization Act of 1936 was enacted by the Kentucky General Assembly under Governor A.B. "Happy" Chandler. The act largely abolished boards and commissions. As a result, the Board of Forestry became the Division of Forestry and was reorganized under the Department of Conservation (renamed the Department of Natural Resources in 1964).

1944 Smokey Bear's Birthday

Smokey Bear, a mascot of the United States Forest Service, was created as an advertising campaign of the Ad Council and the National Association of State Foresters to educate the public about the dangers of forest fires. Smokey Bear has been the basis for KDF's fire prevention education program in schools throughout the state since the 1950s.



Kentucky's Division of Forestry Centennial in 2012... Continued

1948 General Assembly Enacts Laws for Forest Management

The Kentucky General Assembly enacted laws that provided for guidance in forest management. These laws serve as the foundation for the Kentucky Forest Stewardship program that provides technical assistance to public and private landowners for the purpose of sustaining forest resources.

1952 Wildfires Burn 728,000 Acres

Kentucky experienced its worst fire season in recorded history with 728,000 acres burned.

1964 First Governor's Conference on Forestry

The first Governor's Conference on Forestry was held in 1964 to address concerns with wildfire and forest management. The conference continued as an annual event until evolving into the Governor's Conference in 1976.

1964 Arbor Day in Kentucky Designated as the First Friday in April

Although the Kentucky General Assembly established Arbor Day in our state in 1896 as a day set aside for recognizing the importance of trees, the actual day changed several times until the 1960's. At KDF's request, Kentucky Legislature designated the first Friday of April as Arbor Day in Kentucky.

1965 Three KDF Firefighters Killed in Harlan County Wildfire

March 1965 marked the first fatalities caused by forest fires in the history of the division as three firefighters—James (Buck) Shepherd, Kenneth McKnight and William Brock—lost their lives fighting a wildfire in Harlan.

1970 Fire Towers Give Way to Aerial Detection

The 70s brought changes to the way the division located forest fires. Fire towers that were traditionally used were retired from service and the division began using aerial detection to spot fires. This method has proven effective in locating and suppressing wildfires.

1980 Kentucky Establishes an Urban and Community Forestry Program

Urban sprawl and a shift in the state's population from rural to urban areas created the need to practice urban forestry. As a result, the division established a program to provide technical assistance and funding to address the importance of urban trees for their social, environmental and economic benefits.

1990 Forest Management Makes Strides

The division's forest management program—a program that provides technical assistance to landowners—was upgraded to encompass the federal Forest Stewardship Program.

1998 Kentucky Forest Conservation Act

Two years after the creation of the Kentucky Forest Conservation Act (KFCA) in 1998, the division became responsible for inspecting commercial timber harvesting operations.

2009 Discovery of Emerald Ash Borer in Kentucky Brings Attention to Forest Health

One of the worst insect threats in recent history was found to have spread to Kentucky. The insect, known as Emerald Ash Borer (EAB), was initially discovered in southeastern Michigan near Detroit in the summer of 2002. Since its discovery, EAB has killed tens of millions of ash trees in the eastern United States, caused regulatory agencies to enforce quarantines, and cost municipalities, property owners, nursery operators and forest products industries tens of millions of dollars. Over the years, numerous other insects and diseases including the American Chestnut Blight, the Southern Pine Beetle outbreak, Dutch Elm Disease, and Hemlock Woolly Adelgid have significantly impacted Kentucky's rural and urban forests.



2010 Statewide Assessment of Forest Resources and Strategy

KDF developed and published the *Kentucky Statewide Assessment of Forest Resources and Strategy* to serve as a resource for partners involved in forestland management. The document also serves to inform the public and policy-makers about the current status and health of Kentucky's forest resources. Ultimately, the document, also known as Kentucky's Forest Action Plan, will influence projects and funding with respect to managing our forestlands.

2011 KDF Suffers Loss of Firefighter and Earns Status as Fire Department

KDF endured the loss of fellow firefighter Don Lam from injuries sustained while fighting a wildfire in western Kentucky. The loss marked the fourth fatality in nearly 100 years of the division's history. In view of the fatality and after considering the risks of fighting wildland fire, KDF officially became a Kentucky Fire Department with all rights and privileges as acknowledged by the Kentucky Firefighter's Association.

2012 KDF Today and Tomorrow

KDF celebrates a rich history in forestry. Historically, the division has enforced forest fire protection laws, provided fire suppression on private land, conducted fire prevention activities, maintained a tree seedling program and provided technical assistance to private landowners. In more recent years, the division has taken on community and urban forestry programs, timber harvesting inspections, forest health assessments and environmental education. The state is fortunate to have a forest resource that remains productive and diverse and with proper management, forests will continue to provide economic and environmental benefits for hundreds of years to come.

Hurricane Creek Disaster Memorial Service

by Michele Nevels

On Oct. 8, 2011 the Kentucky Historical Society (KHS) dedicated a historical marker and statue to memorialize the Hurricane Creek Mine Disaster. On Dec. 30, 1970, the Finley Coal Mine in Leslie County suffered a deadly explosion, ignited by coal dust in two shafts of the mine. This explosion caused the deaths of 38 miners with only one survivor, A. T. Collins, who was expelled from the mine.

A number of officials attended the ceremony. Leslie County Judge/Executive Jimmy Sizemore; Rep. Tim Couch, (who sponsored legislation for the monument), Harlan County Judge/Executive Joe Grieshop, and Clay County Judge/Executive Joe Asher recognized the names of each miner who died in the disaster. Keynote speaker Dr. Leonard Peters, secretary of the Energy and Environment Cabinet, and Ken Whitworth of KHS presented the historical marker.

The calamity happened nearly one year after the passage of the Coal Mine Health and Safety Act of 1969, which provided the framework for the current Mine Safety and Health Administration (MSHA). The 1970 Hurricane Creek mine disaster continues to be the worst mine fatality on record in Kentucky's history. Today, Kentucky's mines are much safer than in the past. The Office of Mine Safety and Licensing continually works to educate the mining industry in safe mining practices and miner education.

Employees of Bledsoe Coal Co. had the distinguished honor of unveiling the statue to almost 300 people in attendance.



Each of the fallen miners are remembered by the bronze miners hat and name plaque mounted on the entrance that resembles roof supports in an underground mine.



Secretary Leonard Peters, keynote speaker for the Hurricane Creek Disaster Memorial Service at Hyden, Ky.



Secretary Peters greets the attendees and family members of the victims of the disaster.

Division of Forestry Recovers Wildfire Suppression Costs

Fifty-five Kentucky counties to be repaid from special fund

By Lynn True

The Kentucky Division of Forestry (KDF) recently paid \$27,120.86 to 55 counties this year from the collection of wildfire suppression fees as required in KRS 149.180. Each year, KDF collects suppression costs associated with firefighting from individuals who are responsible for starting fires by accident or by their negligence. The recovered costs are then deposited into a special fund in the Energy and Environment Cabinet where they may be returned to the county in which the suppression costs were incurred.

In order to be eligible for suppression cost refunds, a county must be in compliance with its annual timberland assessment—a law that requires the counties to pay two cents per acre of privately owned timberlands. KDF has been collecting timberland assessments from counties since 1959 for the purpose of establishing county forest fire protection funds. If a county is not eligible to receive the recovered costs, the money is used by KDF to improve fire protection services.

As the state agency responsible for suppressing wildfires and enforcing forest fire laws on state and private lands, KDF is all too aware of the costs of wildfire. KDF is fortunate to have the cooperation of county officials in these efforts. Each year, wildfires destroy resources and endanger public safety. Fortunately, most of Kentucky's wildfires can be prevented. For more information about wildfire prevention, visit <http://forestry.ky.gov>. To report forest arson, call the Target Arson Hotline at 1-800-27-ARSON.



Judge/Executive Wayne T. Rutherford of Pike County accepting Pike's suppression check from KDF Forest Ranger Technicians Ronnie Stiltner and Jeremy Tackett.

The counties listed below received the following reimbursements for wildfire suppression costs:

| | |
|--------------|------------|
| Boone | \$281.18 |
| Franklin | \$179.62 |
| Henry | \$67.64 |
| Madison | \$2,547.74 |
| Owen | \$88.36 |
| Trimble | \$1,55.76 |
| Breckinridge | \$337.83 |
| Bullitt | \$598.08 |
| Grayson | \$342.80 |
| Hancock | \$196.49 |
| Hardin | \$309.80 |
| Hart | \$220.02 |
| Jefferson | \$543.80 |
| LaRue | \$116.67 |
| Meade | \$271.72 |
| Nelson | \$253.25 |
| Spencer | \$40.88 |
| Warren | \$39.38 |
| Floyd | \$1,616.12 |
| Johnson | \$1,222.64 |
| Lawrence | \$537.00 |
| Martin | \$2,007.94 |
| Pike | \$3,780.23 |
| Breathitt | \$245.26 |
| Knott | \$170.98 |
| Lee | \$249.79 |
| Letcher | \$100.00 |
| Perry | \$359.69 |
| Wolfe | \$549.50 |
| Bath | \$14.09 |
| Boyd | \$253.06 |
| Carter | \$295.16 |
| Fleming | \$171.10 |
| Greenup | \$723.05 |
| Lewis | \$1,007.10 |
| Nicholas | \$416.31 |
| Cumberland | \$116.48 |
| Monroe | \$433.93 |
| Clay | \$288.00 |
| Knox | \$404.69 |
| Laurel | \$36.88 |
| Whitley | \$325.39 |
| Ballard | \$287.66 |
| Caldwell | \$403.28 |
| Calloway | \$384.99 |
| Carlisle | \$94.17 |
| Crittenden | \$198.10 |
| Fulton | \$470.42 |
| Graves | \$180.61 |
| Hickman | \$508.40 |
| Livingston | \$687.37 |
| Lyon | \$145.82 |
| Marshall | \$487.08 |
| McCracken | \$258.94 |
| Trigg | \$98.61 |

A Humorous Incident in the Field Doesn't Foil the Training Opportunity

The Chronicles of Ben "The Shoes" Fabulous Adventure

By Jim Dickinson

Although to some, a lawyer stuck in the mud on a surface mining site might be a good thing, for Ben Long it was a vexing and seemingly impossible situation to resolve. He was truly stuck after losing his footing on the side of a muddy berm. The harder he tried to move his feet, the more his boots became mired in the gooey muck. And, no one else could really help him, because they would get stuck as well. What to do? Being a capable attorney and since he was already minus one boot, Ben hit upon the bright idea of wiggling his feet out of his other boot. With the assistance of Steve Vance who had to pull his leg out of the shoe, Ben was able to wrestle his way out of the mud. Needless to say, his stocking feet got very muddy (and cold to boot). The shoes were another matter. It took Ben, Steve, and supervisor Kevin Helton, quite a while to free them from the tenacious and muddy grip of the berm.

Ben now has a new nickname and is known in the London Regional Office as "Shoes." However, in the Office of General Counsel (OGC), Ben has the moniker of Ben "Button Your Shoes" Long. In fact he has a legal advertisement on his door, noting that he should be hired because he already has a foot in the door, or in this case, in the mud.



Steve Vance, DMRE environmental control manager, uses all his strength and balance to help the entrapped attorney Ben Long, new member of the Office of Legal Services.

So, why was Ben even on a mine site in Hazard, Ky.? Ben, and another recently employed attorney, Anna Girard, were being trained by personnel from the London Regional Office as to what a reclamation inspector is expected to do while conducting an inspection of a surface mining permit. A picture can be worth a thousand words, and it was important that these new attorneys actually witness first hand the activities of a surface mining and reclamation operation. The training they received that day, as well as other training visits, will enable them to effectively litigate the permittees' administrative complaints that a violation was improperly written.

Anna and Ben are much needed replacements for the attorneys who have been retiring from the Office of General Counsel. Anna graduated from the University of Kentucky Law School in 2010, where she was elected president of Student Bar Association and served as the administrative editor for *Kentucky Journal of Equine, Agriculture and Natural Resources Law*. She has a BA from UK in Arts Administration (emphasis in theatre) and was elected into the Golden Key and Mortarboard Honor Societies. Before joining OGC, she served as a law clerk for Judge Philip Shepherd, Franklin Circuit Court.

Ben is also a recent graduate of UK Law School, having graduated in 2007, where he served as articles editor for the *Journal of Natural Resources and Environmental Law*. Ben received his degree from Transylvania University with a BA in Political Science. Before coming to OGC, he served as a law clerk for the Hon. David L. Bunning, U.S. District Court in 2007 and subsequently was hired as an equal justice worker ameriCorps fellow for the Appalachian Research and Defense Fund. It is worth noting that at UK Ben was a Bert Combs Scholar and received one of the two full-tuition scholarships that were awarded that year. Additionally, Ben was a William T. Young scholar at Transylvania.

So, the next time you meet Ben (or Anna for that matter) be sure to check out their feet to see if they have their shoes on. Who knows, they may lose them again.

DNR Continues to Expand Electronic Submission of Mining Applications

By Linda Potter

The Department for Natural Resources has a long history of using the latest technology to streamline its business processes in an effort to increase transparency and efficiencies for both the agency and regulated mining entities. The latest releases address minor field revisions and mine permit applications.

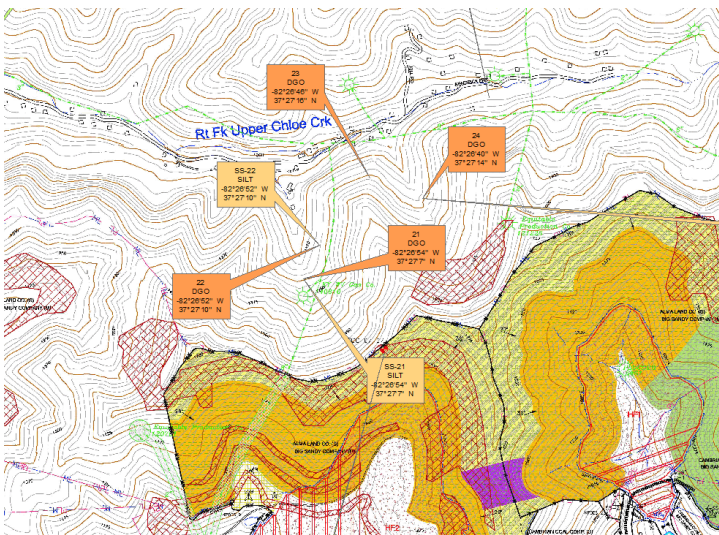
Submitting minor field revision applications can now be done electronically. Coal companies or their engineering consultants have the ability to upload an electronic SME-80 to the appropriate regional office FTP site directly from their offices. The applications are processed through an electronic workflow that routes it to the appropriate personnel for review and approval. The form is available at the Division of Mine Reclamation and Enforcement electronic forms page: <http://dmre.ky.gov/Pages/DMREElectronicForms.aspx>

Previous submittals were in paper forms, necessitating trips to the regional office by the companies and the routing of paper to reviewers, engineers and time-consuming processing for the regional office support staff. Since the documents are electronic, the DMRE saves both time and money by not having to route multiple paper copies and scan the paper into electronic format for the electronic document management system.

The capability for electronic submission of Mine Permit applications was originally implemented in November 1999 and has been mandatory since January 2011. While this version streamlined the permit review process, extensive manual data entry remained. The Division of Mine Permits and a small group of mining individuals are currently beta testing a new ePermitting system (NEPS) that promises to offer industry a more intuitive means of application submittal and DMP additional tools for a more efficient review. Cumbersome data entry will also be alleviated since the majority of the information on the application will automatically update data in the Surface Mining Information System (SMIS).

An astounding parallel development by the Geographic Information Systems (GIS) group in DMP allows for the automatic extraction of GIS features - surface and ground water sampling points; spoil, sediment, core, dugout and embankment points so that they appear on the mine reclamation maps (MRPs) giving reviewers instantaneous access to this data. Currently, reviewers must manually search for them on paper MRPs tacked to the wall. This enhancement will not only greatly speed up review, but also ensure the quality of the submittal.

If the beta testing continues to demonstrate accuracy and functionality, the new application (NEPS) will go live in the second quarter of 2012. Training is scheduled to begin in March 2012.



“Call-out” boxes, generated through GIS, denote the precise locations of permit structures and features on submitted MRP maps.

Contact Page

Department for Natural Resources.....502-564-6940
dnr.ky.gov

Contact our Divisions:

Conservation.....502-573-3080
conservation.ky.gov

Forestry.....502-564-4496
forestry.ky.gov

Oil and Gas502-573-0147
oilandgas.ky.gov

Office of Mine Safety and Licensing.....502-573-0140
omsl.ky.gov

Abandoned Mine Lands.....502-564-2141
aml.ky.gov

Mine Permits.....502-564-2320
minepermits.ky.gov

Mine Reclamation and Enforcement.....502-564-2340
dmre.ky.gov

Technical and Administrative Support.....502-564-6940
dnr.ky.gov/techadminsupport

Kentucky Heritage Land Conservation Fund.....502-573-3080
heritageland.ky.gov

**Contact our newsletter staff with comments or to be added to our distribution list. To
[UNSUBSCRIBE CLICK HERE](#):**

Evan Satterwhite.....502-564-6940
Evan.Satterwhite@ky.gov

Linda Potter.....502-564-6940
Linda.Potter@ky.gov

The Natural Resource Review is for public distribution - please pass along to others who may be interested. If you would like to be added to the electronic distribution list for *The Natural Resource Review*, please let us know. You may contact the newsletter staff at the e-mail above or by calling 502-564-6940. Learn more about the Kentucky Department for Natural Resources and its available services and programs at dnr.ky.gov. Please contact our writing staff with suggestions. Deadline for the submissions in the next issue is Mar. 10, 2012.

Photo by
J. Hamon